
State Government Committee

HB 1035

Brief Description: Protecting the personal information of a person acting as a guardian ad litem.

Sponsors: Representatives Moeller, Appleton and Springer.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Exempts the home address, phone number, and other identifying information of a guardian ad litem from disclosure under the Public Records Act.

Hearing Date: 1/13/15

Staff: Robin Hammond (360-786-7291) and Marsha Reilly (360-786-7135).

Background:

Guardian ad Litem.

A guardian ad litem (GAL) is an individual appointed by a superior court to represent the best interests of a child or incapacitated person in guardianship matters, dependency matters, or family court matters. A GAL can be employed by a county, be self-employed, or be a volunteer. Each county maintains a registry of persons willing and qualified to serve as a GAL.

In dependency matters and family court matters, the background information record of a GAL is shared with the parties or attorneys in a case. There are limitations on what information may be shared. The background information record must not include identifying information that may be used to harm a GAL, such as home addresses and home telephone numbers.

Public Records Act.

Under the Public Records Act (PRA), all state and local agencies must disclose public records upon request unless the records fall within certain statutory exemptions, such as the following:

- certain financial information and account numbers;
- library records that disclose the identity of a library user;

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- individually identifiable records relating to a vanpool, carpool, or other ride-sharing program or service except to other persons who need the information for purposes of ride-sharing;
- personally identifying information of persons who acquire and use transit passes; and
- employment records of employees or volunteers of a public agency and their dependents.

Exemptions under the PRA must be narrowly construed. The PRA recognizes exemptions from public disclosure as provided in other statutes.

Court Rules.

The PRA does not apply to judicial records, however the Washington Supreme Court adopted all exemptions within the PRA into Washington Rules of Court 31.1A. The PRA is used to interpret ambiguities. Further, administrative records are exempt from public disclosure if they show individuals' home contact information.

In summary, some identifying information of a GAL may be currently protected in one of two ways. First, the background information of a dependency GAL or family court GAL may be protected under their respective statutes because the PRA recognizes exemptions from public disclosure as provided in other statutes. Second, court administrative records of a GAL are protected by court rule, which also looks to the exemptions within the PRA.

Summary of Bill:

An exemption is created in the Public Records Act that prohibits the disclosure of certain information pertaining to a guardian ad litem (GAL) that works in guardianship matters, dependency matters, or family court matters. The home address and phone numbers of a GAL are exempt from public disclosure, and all other identifying information that may be used to harm a GAL is exempt from public disclosure.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.